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ABSTRACT

This American Indian supplement to the 1994 National Civics and Government Standards aims to provide classroom teachers with useful ideas for instructional content focused on American Indian-related civics and government issues. Like the national standards, this document is divided into the grade level groupings of K-4, 5-8, and 9-12. The supplement should be used in conjunction with the national standards document itself and therefore follows the same format, organization, and language. Only certain sections of the national standards were adapted to include Indian-specific content. The supplement refers to specific national content standards by number; comments on or interprets them in relation to American Indian students and issues; and, where appropriate, adds additional standards and performance indicators for Indian students. Most interpretations and additions involve issues related to tribal government and its powers; tribal sovereignty; the relationships among federal, state, and tribal governments; the nature of civic life in American Indian communities; the rights and responsibilities of American Indians as citizens of the United States and their tribes; and the history of the federal-Indian relationship. This supplement may also be used as a guideline for developing more tribally specific local standards. (SV)

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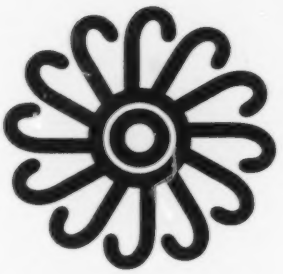
ED 420 485

AMERICAN INDIAN SUPPLEMENT TO THE NATIONAL STANDARDS FOR CIVICS & GOVERNMENT



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Bureau of Indian Affairs

By: **ORBIS Associates**
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Based on the 1994 National Civics and Government Standards developed by the Center for Civic Education

RC 021592

American Indian Supplement to the National Standards for CIVICS AND GOVERNMENT

Introduction

This American Indian Civics and Government Supplement has been developed to accompany the 1994 *National Civics and Government Standards* developed by the Center for Civic Education. Those national standards were used as a basis for this effort because many schools, including American Indian-controlled schools, currently refer to them as a foundation for developing local standards. Like the national standards, this material is divided into the grade level groupings of K-4, 5-8 and 9-12.

This Supplement should be used in conjunction with the national standards document itself. To facilitate that we have essentially followed the same format, organization and language. Thus, the reader will find all Indian specific material on the following pages directly correlated to specific national content standards.

It is hoped that the ideas contained in this Supplement will provide classroom teachers with some useful ideas for instructional content focused on American Indian related civics and government issues. However, the authors of this American Indian Supplement also encourage each American Indian nation to consider development of its own standards for the education of its tribal citizens in their respective tribal government systems. For those tribes who ultimately choose to do this, it may be necessary to use a format and organizational structure different from that of the national standards, as well as language that is more inclusive of tribally specific contexts. Even the term *civic life* may, for some tribes, require a more expansive definition than the one used in the national standards. For example: in some tribal settings, *civic life* may incorporate spiritual or ceremonial life.

In summary, this American Indian Supplement to the National Civics and Government Standards is intended to be used either as it is, or as a guideline for developing more tribally specific local Standards. We note that this material should be considered "a work in progress." As such, the BIA will periodically improve and revise the information, based on input from American Indian educators and leaders. Please send any comments you might have to:

Dr. Sandra Fox
Office of Goals 2000, U.S. Department of Interior
Bureau of Indian Affairs
1849 C Street, NW Mail Stop 3512
Washington D.C. 20240

Grades K-4

AMERICAN INDIAN CIVICS AND GOVERNMENT SUPPLEMENT

[Note to the reader: Only certain sections of the National Civics Standards were adapted to include Indian specific content in this Supplement. Thus, what might initially appear to be a number or letter out of sequence, is actually a reference to the corresponding national standard's number or letter.]

1. One of the statements contained under **Content Standard I, A, 1** of the National Standards for Civics and Government explicitly states that all students should be able to describe that:

   - "tribal governments make, apply, enforce rules and laws for tribal members in Indian country"

     Teachers should note that this statement in the National Standards is inaccurate in that tribal governments also exercise certain jurisdictional authority over non-Indians and other Indians on tribal lands. These are discussed more specifically in the following items.

2. Under **Content Standard I, B, 1** of the national standards which discuss *power and authority* of various social institutions, including the family and government, Indian students should also be able to describe that:

   - tribal governments have the authority to make, apply, enforce rules and laws for (a) tribal members, (b) non-tribal members residing within the tribal landbase, and (c) non-tribal members conducting business on tribal land and/or with the tribal nation or members. While a tribe's criminal jurisdiction is limited to tribal members and other Indians, a tribe's civil jurisdiction extends to non-Indians as well. Tribes have always governed themselves and their authority to do so is confirmed by U.S. law.

3. Under **Content Standard I, D, 1** of the national standards which discusses *functions of government*, Indian students should also be able to describe that:

   - a tribal government's authority is derived from the concept of tribal sovereignty which is ultimately vested in *The People*, i.e., the tribal membership; thus, tribal members decide the type of government which they want to have, as well as the extent of its authority; in general, tribal governments have authority to:

     - decide who can be a member of the tribe
     - establish police forces and tribal courts
     - tax their members and businesses on tribal lands
     - enter into agreements with states and local governments
     - make laws about marriages, divorces, and other domestic relations of their members
     - make laws/codes to provide for the health, welfare and education of their members and which extend civil jurisdiction over non-Indians on tribal lands
     - decide how tribal property can be used
     - ensure that tribal cultural integrity, including language, is preserved

4. Under **Content Standard III, A, 1** which discusses the *meaning and importance of the United States Constitution*, Indian students should also be able to describe that:

   - the Commerce Clause of the United States Constitution retains for the federal government, not the state governments, authority in dealings with Indian tribes. This reinforces the nation-to-nation relationship between Indian tribes and the federal government.

5. In addition to the *major responsibilities* of the federal, state and local governments discussed under **Content Standards III, A-E**, Indian students should also be able to answer:

   F. What are the major responsibilities of tribal governments?

   (1) Organization and major responsibilities of tribal governments. *Indian students should be able to explain the most important responsibilities of their tribal government.*

   To achieve this standard, Indian students should be able to

   - distinguish between federal, state and tribal governments
   - explain why there is a tribal government
     - define the term *tribal sovereignty*
     - understand that tribal nations define their sovereignty by exercising their authority and that -- although states and federal governments have sometimes challenged the extent of tribal authority -- tribal sovereignty has been upheld and affirmed many times
     - understand that tribal governments exist today because they have always existed
     - the sovereign status of Indian nations has been upheld by various U.S. laws, Supreme Court decisions and international law/forums.
   - describe the major responsibilities of each branch -- if appropriate -- of their tribal government
     - tribal council (legislative) -- makes tribal laws, spends money for tribal programs
     - Chairman, President, Principal Chief, Governor (executive) -- carries out and enforces laws, oversees tribal employees
     - tribal courts (judicial) -- interpret laws and manage conflicts about the law
   - describe important services their tribal government provides, e.g., education, law enforcement, health and hospitals, roads
   - describe how tribal government officials are chosen, e.g., elections, appointment
   - explain how tribal citizens can participate in government, e.g., being informed, attending tribal council meetings open to the public, taking part in discussions of tribal issues, voting, holding office, serving on committees

- explain why it is important that people participate in the tribal government, e.g., to protect their rights (under treaty, or vested under tribal sovereignty) and promote the common welfare, improve the quality of life on their reservation or community, to gain personal satisfaction, to prevent officials from abusing their power
- explain how tribal government services are paid for, e.g., tribal economic enterprises, taxes on economic activity on the reservation, trust funds

(2) **Identifying members of tribal government**. *Indian students should be able to identify the members of the legislative (tribal council) and the heads of the executive (Tribal Chairman, President, etc.) branches of their tribal government.*

To achieve this standard, students should be able to

- name the persons representing them on the tribal council
- name the persons representing them at the executive level (Chairman, Governor, Principal Chief, etc.)
- explain how they can contact their representatives
- as tribally appropriate, explain which sector of tribal government they should contact to express their opinions or to get help on specific problems, such as regarding:
  - crime
  - schools
  - tribal membership
  - tribal resources

6. Under **Content Standard IV, A, 1** of the national standards which discusses *nations* under the larger topic of "What is the Relationship of the United States to Other Nations and to World Affairs," Indian students should also be able to explain that:

- Indian tribes within the United States are nations that existed on the North American continent prior to European arrival. The Supreme Court has described their status as "domestic dependent nations" within the United States. Tribes have a nation-to-nation relationship with the United States. This status has been upheld by various U.S. laws and Supreme Court decisions.

7. Under **Content Standard IV, B, 1** of the national standards which discusses *interaction among nations*, Indian students should also be able to explain that:

- the United States historically interacted with Indian tribes as with other nations, most notably in the signing of over 800 treaties, but also, through various acts of diplomacy, trade and war. The period of treaty making with Indian tribes ended in 1871.

8. Under **Standard V, B, 1** of the national standards which discusses *becoming a citizen* of the United States, Indian students should also be able to explain that:

   - American Indians are fully participating citizens of both their tribes and the U.S.

9. Under **Content Standard V, D, 1** of the national standards which discusses *responsibilities of individuals*, Indian students should also be able to explain that:

   - American Indians have all of the personal and civic responsibilities as other U.S. citizens, as well as the responsibilities associated with tribal citizenship, e.g., voting, staying informed, obeying laws, supporting their families, working for the improvement of their tribal society.

10. Under **Content Standard V, F, 1** of the national standards which discusses *forms of participation* in government, Indian students should, within the parameters of their tribe's cultural protocols, also be able to:

    - identify individuals or groups who monitor and influence the decisions and actions of their tribal governments, e.g., traditionalist groups (clans, moieties, warrior societies, etc.), local tribal citizens' associations, tribal newspapers.

Grades 5-8

AMERICAN INDIAN CIVICS AND GOVERNMENT SUPPLEMENT

1. One of the statements contained under **Content Standard I, A, 1** of the national standards explicitly states that all students should be able to define and distinguish that:

    - "**civic life** concerns taking part in the governance of the school, community, tribe, state, or nation, e.g., helping to find solutions to problems, helping to make rules and laws, serving as elected leaders"

    In addition to the discussion of *civic life, politics and government* under that Content Standard, Indian students should also be able to:

    - understand that, from a tribal perspective, the definitions of civic life, politics and government may also encompass other areas of public/community life involving spiritual aspects and obligations

    - define and distinguish between private life, civic life, and cultural life

        - understand that cultural life (one's clan, kiva, band, tiospa, etc.) have a significant influence on one's civic and personal lives as well

2. Under **Content Standard I, A, 2** of the national standards which discusses the *necessity and purposes of government*, Indian students should also be able to:

    - evaluate competing ideas about other purposes tribal government should serve, e.g.,

        - preserving cultural integrity -- languages, customs, important sites
        - asserting cultural patrimony -- sacred objects, Indian burials and graves, repatriation

3. Under **Content Standard I, C, 1** of the national standards which discusses *concepts of "constitutions,"* Indian students should also be able to explain that:

    - according to the provisions of the Indian Reorganization Act of 1934, some tribes have chosen to operate under tribal constitutions, while others operate traditional governments guided by tribal laws, custom, values and principles. Students should learn the history of their tribe, as well as the tribe's current status with respect to the Indian Reorganization Act.

4. Under **Content Standard I, D, 1** of the national standards which discusses *shared powers and parliamentary systems*, Indian students should also be able to:

   - describe the shared power characteristics of their tribal government

     - balances of power
     - systems of accountability and recourse

5. Under **Content Standard I, D, 2** of the national standards which discusses *confederal, federal, and unitary systems*, Indian students should also be able to:

   - describe examples of confederal tribal governments, e.g., Three Affiliated Tribes of the Fort Berthold Reservation, the Confederated Tribes of the Colville Reservation

   - describe examples of unitary tribal governments -- a tribal government that consolidates all powers of a single tribe; e.g., the Ponca Tribe, the Eastern Band of Cherokee, the Laguna Pueblo, Burns Paiute Indian Colony

6. One of the statements contained under **Content Standard II, B, 3** of the national standards explicitly states that <u>all</u> students should be able to:

   - "explain why conflicts have arisen from diversity, using historical and contemporary examples, e.g., North/South conflict; conflict about land, suffrage, and other rights of Native Americans; Catholic/Protestant conflicts in the nineteenth century; conflict about civil rights of minorities and women; present day ethnic conflict in urban settings"

   In addition to the discussion of conflict contained under **Content Standard II, B, 3**, Indian students should also be able to:

   - discuss the conflicts which arise between tribes and non-Indians, state and local governments and the U.S. government regarding on-reservation and off-reservation treaty rights, and conflicts on the nature and extent of tribal sovereignty

7. One of the statements contained under **Content Standard III, A, 2** of the national standards explicitly states that <u>all</u> students should be able to:

   - "identify the major parts of the federal system"

     - "other governmental units, e.g., District of Columbia; American Indian tribal governments; territories of Puerto Rico, Guam, American Samoa; Virgin Islands"

In addition to the discussion of shared powers between national and state governments contained under **Content Standard III, A, 2**, Indian students should also be able to:

- explain how and why the United States Constitution provides that laws of the national government and treaties are the supreme law of the land
- explain how treaties with tribal governments, as supreme laws of the land, reinforce the nation-to-nation relationship between tribes and the U.S.
- describe how the Commerce Clause of the U.S. constitution retains for the federal government, plenary power (ultimate authority) in dealings with Indian tribes, i.e., the federal government's authority supersedes that of the states
    - reinforces tribal sovereignty, and the nation-to-nation relationship between tribes and the U.S.
    - establishes that tribes are protected from state actions
- describe their own tribe's treaty history and current status

8. In addition to the discussion of *major responsibilities* of the federal, state and local governments contained under **Content Standards III, A-F**, Indian students should also be able to answer:

G. How are tribal governments organized and what do they do?

(1) Tribal governments. *Indian students should be able to explain why tribal governments exist, the values and principles which guide them, and their relationship to the U.S. government.*

To achieve this standard, students should be able to:

- define the terms *treaty* and *tribal sovereignty*
- understand that tribal nations define their sovereignty by exercising their authority and that -- although states and federal governments have sometimes challenged the extent of tribal authority -- tribal sovereignty has been upheld and affirmed many times
- describe that tribal governments have the authority to make, apply, enforce rules and laws for (a) tribal members, (b) non-tribal members residing within the tribal landbase, and (c) non-tribal members conducting business on the tribal land and/or with the tribal nation or members. While a tribe's criminal jurisdiction is limited to tribal members and other Indians, a tribe's civil jurisdiction extends to non-Indians as well. Tribes have always governed themselves and their authority to do so is confirmed by U.S. law.
- understand that tribal governments exist today because they have always existed

- Indian nations exercised the powers of sovereign nations prior to European arrival -- forming compacts, treaties, trade agreements and military alliances
- the Colonial powers and the United States recognized the sovereignty of Indian nations by entering into over 800 treaties with Indians
- the sovereign status of Indian nations has been upheld by various U.S. laws and Supreme Court decisions

- recognize there are different forms of tribal governments

  - U.S.-type governments -- provisions of the Indian Reorganization Act of 1934 -- recognized Indian sovereignty and provided for tribes to adopt constitutions and forms of government modeled after U.S. Tribes were given two years to accept or reject IRA. Not all tribes accepted. Some tribes also later established governments under their own non-IRA constitutions. Unlike IRA constitutions, these non-IRA constitutions do not require the approval of the Secretary of Interior.
  - traditional forms of government -- tribes that rejected the Indian Reorganization Act and made the decision to operate under their traditional forms of government
  - ordinance forms of government — tribes, such as the Navajo, who operate governments based upon tribal ordinances

- if applicable, identify major purposes of their tribal constitution; or (in lieu of a constitution) the customs, values and principles which guide the tribal government and which establish and limit its powers
- describe similarities and differences between the constitutions of the tribal government and the U.S. government

(2) **Organization and responsibilities of the tribal governments**. *Indian students should be able to describe the organization and major responsibilities of their own and other tribal governments.*

To achieve this standard students should be able to

- describe that tribal governments' authority is derived from the concept of tribal sovereignty which is ultimately vested in *The People*, i.e., the tribal membership; thus, tribal members decide the type of government which they want to have as well as the extent of its authority, within the parameters of how tribal sovereignty has been defined, to date, through various U.S. laws, Supreme Court decisions and international law/forums.

- identify powers of tribal governments

  American Indian tribal governments -- although limited by the United States government -- generally, have the inherent powers to:

- define conditions for membership in the nation
- administer justice and enforce laws
- tax their members and non-Indians residing or doing business on Indian lands
- enter into agreements with states and local governments
- regulate domestic relations of its members
- regulate property use
- establish laws/codes to provide for the health, welfare and education of their members and which extend civil jurisdiction over non-Indians on tribal lands
- ensure that cultural integrity is preserved and cultural patrimony is asserted

- identify major responsibilities of tribal governments -- education, housing, law enforcement, economic development, tribal resource management, oversee relations with U.S. and state governments
- as tribally specific or appropriate, describe the organization of tribal governments, e.g., *legislative* (tribal councils), *executive* (tribal Chairmen or equivalent), *judicial* branches (tribal courts)
- describe sources of revenue for the tribal government

  - tribal enterprises
  - federal trust monies, land claim settlements - money held in trust by U.S. government for tribes, based on treaty provisions, exchange of Indian lands, or other historical actions
  - taxation of members, as well as non-tribal members on tribal lands, via business taxes, sales and excise taxes
  - taxation or royalty payments on mineral extraction, energy development, etc., on tribal lands
  - issuing of revenue bonds secured by tribal resources

- why tribal governments have an important effect on their own lives

H. **Who represents you in your tribal government?** *Indian students should be able to identify their representatives in the tribal government.*

To achieve this standard, Indian students should be able to

- name the persons representing them in their tribal government, differentiated by legislative branches (tribal councils, etc.) and executive branches (Chairman, Governor, Principal Chief, etc.) or other tribally distinguished separations of government
- explain the appropriate way to contact their representatives and express their viewpoints

9. Under **Content Standard V, B, 1** of the national standards which discusses *personal rights of citizens*, Indian students should also be able to:

   - understand that American Indians are fully participating citizens of their tribes, the U.S. and the states in which they live
   - learn the provisions, protections and limitations of the Indian Civil Rights Act
   - understand the rights of tribal members -- as well as the rights of non-members -- under the tribal constitution and tribal law

10. Under **Content Standard V, B, 2** of the national standards which discusses *political rights* vested under U.S. citizenship, Indian students should also be able to:

    - explain the history of U.S. citizenship for American Indians

      - citizenship was conveyed to members of some tribes as a result of treaty agreements
      - citizenship was conveyed to certain other Indians through various government acts; for example, successful Indian farmers were sometimes granted U.S. citizenship
      - citizenship was conveyed to all Indian people with the Indian Citizenship Act of 1924; resulting from the fact that 14th Amendment did not apply to Indians because they were citizens of their own tribes
      - despite passage of the Indian Citizenship Act, some state constitutions specifically denied voting rights to "non-taxed Indians;" for example, it was not until 1948 that the Arizona Supreme ruled that the disenfranchisement of Indians was unconstitutional; New Mexico did not follow Arizona's decision until 1962 -- these decisions were brought about through litigation by Indian people

11. In addition to the *rights of citizens in American democracy* discussed under **Content Standard V, B** of the national standards, Indian students should also be able to distinguish:

    (5) The rights of Indian citizens. *Indian students should be able to evaluate, take, and defend positions on issues regarding their personal, political, and economic rights as citizens of the U.S. and of their tribes*

    To achieve this standard, Indian students should be able to:

    - recognize that their tribal government's authority is derived from the concept of tribal sovereignty which is ultimately vested in *The People*, i.e., the tribal membership; thus, tribal members decide the type of government which they want to have as well as the extent of its authority
    - as sovereign entities, however, tribal governments determine the scope and limit of tribal citizens' personal, political and economic rights. Sometimes the laws of a tribal government -- for instance, concerning the rights of individuals -- may conflict with laws of the U.S.

- explain that the Indian Civil Rights Act of 1968 was enacted to make sure that American Indians had all the same individual freedoms, procedural safeguards and other basic civil liberties as other U.S. citizens both on and off the reservation

12. In addition to the *responsibilities of citizens* in American democracy discussed under **Content Standard V, C** of the national standards, Indian students should also be able to distinguish:

(3) **Personal and civic responsibilities of American Indians.** *Indian students should be able to evaluate, take, and defend positions on the importance of personal and civic responsibilities to the individual and society.*

To achieve this standard, Indian students should be able to explain that:

- American Indians have all of the personal and civic responsibilities as other U.S. citizens, as well as the political and cultural responsibilities associated with tribal citizenship, e.g., voting, staying informed, obeying laws, supporting their families, seeking improvement in tribal society, reinforcing tribal cultural life

Grades 9-12

AMERICAN INDIAN CIVICS AND GOVERNMENT SUPPLEMENT

1. Under **Content Standard I, A, 1**, of the national standards which deals with *defining government*, one statement explicitly states that <u>all</u> students should be able to:

    - "identify examples of formal institutions with the authority to control and direct the behavior of those in a society, e.g., tribal councils, courts, monarchies, democratic legislatures"

2. Under **Content Standard I, B, 1** of the national standards which discusses *limited and unlimited governments*, Indian students should also be able to explain how:

    - a tribal government established under a tribal constitution is a form of limited government

3. Under **Content Standard I, D, 2** of the national standards which discusses *confederal, federal and unitary systems* of governments, Indian students should also be able to:

    - identify historical and contemporary examples of confederal and unitary tribal governments

        - examples of confederal tribal governments include the Confederated Tribes of the Colville Reservation (contemporary), the Six Nations Iroquois Confederacy (historical and contemporary), the Muscogee Creek Confederacy (historical), The Three Affiliated Tribes of the Fort Berthold Reservation (contemporary)

        - examples of unitary tribal governments include those which consolidate authority for a single tribe, e.g., Northern Cheyenne, Pawnee, Eastern Band of Cherokee, Laguna Pueblo

    - recognize that tribal governments exist within the framework of the United States federal system; i.e., as "domestic dependent nations" which retain sovereign rights which are not explicitly delegated to the U.S. government.

4. Under **Content Standard III, A, 2,** of the national standards which discusses *distributing governmental power and preventing its abuse*, -- specifically, how the U.S. Constitution grants and distributes power to national and state governments -- Indian students should also be able to:

    - describe how the Commerce Clause of the U.S. Constitution retains for the federal government plenary power (ultimate authority) in dealings with Indian tribes, i.e., the federal government's authority supersedes that of the states

- reinforces tribal sovereignty and the nation-to-nation relationship between tribes and the U.S.
- establishes that tribes are protected from state actions, but also provides a role for states, such as in the Indian Gaming Regulatory Act
- tested in Trade and Intercourse Acts cases in which the U.S. Supreme Court affirmed federal trust responsibility for Indian tribes against state actions

5. Under **Content Standard III, E, 3** of the national standards which discusses *political communication*, one statement explicitly cites Indian-specific communication of which <u>all</u> students should be aware in being able to:

   - "evaluate historical and contemporary political communication using such criteria as logical validity, factual accuracy, emotional appeal, distorted evidence, appeals to bias or prejudice, etc."

     - 'speeches such as Lincoln's "House Divided," Sojourner Truth's "Ain't I a Woman?", Chief Joseph's "I Shall Fight No More Forever," Roosevelt's "Four Freedoms," Martin Luther King Jr.'s "I Have a Dream" '
     - Indian students should become familiar with the statements of their own tribe's historical leaders and orators, and should discuss how the orations exhibit leadership qualities

6. In addition to the discussion of *the purposes, values and principles of American Democracy*, contained under **Content Standards III, A-E**, Indian students should also be able to answer:

   F. How are tribal governments organized and what do they do?

   (1) The relationship between tribal governments and the federal and state governments. ***Indian students should be able to evaluate, take, and defend positions on issues regarding the relationship between tribal governments and the federal and state governments.***

   To achieve this standard, Indian students should be able to

   - comprehend how the definition of *tribal sovereignty* has evolved and continues to do so
   - understand the tenets which establish tribal sovereignty
   - be familiar with the major federal Indian policy periods and how the legislation and court cases of those periods define the relationship between tribal governments and the federal and state governments

     - <u>*Removal and Relocation Policy*</u> (1828-1887); following the Indian Removal Act in 1830, many thousands of Indian people are removed from lands east

of the Mississippi to "Indian Territory," now Oklahoma; reservations established in other parts of U.S.

- *Allotment and Assimilation Policy* (1887-1934); Indian Allotment Act, divides up Indian lands into pieces given to individual members in attempt to make Indian people adopt European/American and Christian ways of living
- *Reorganization Policy* (1934-1945); Indian Reorganization Act stops all land allotments, encourages tribes to adopt constitutions and restores right to practice traditional religions
- *Termination Policy* (1945-1961); Public Law 280 was a failed experiment in completely ending the relationship between tribes and the federal government
- *Self-Determination Policy* (1961-present); Indian Self Determination and Education Assistance Act of 1975 calls for changes in federal Bureau of Indian Affairs operations, e.g., tribes to operate BIA-funded programs themselves, BIA to better protect Indian lands, BIA to provide more education and training services and help tribal members get better jobs

- describe similarities and differences between the constitutions of the tribal governments and the U.S. government

(2) **Powers of tribal governments.** *Indian students should be able to evaluate, take and defend positions on the powers of tribal governments and the history of the extent and limitations to tribal government powers as they have been affected by the U.S. government as well as their tribal customs and values*

To achieve this standard, Indian students should be able to:

- recognize that their tribal government's authority is derived from the concept of tribal sovereignty which is ultimately vested in *The People*, i.e., the tribal membership; thus, tribal members decide the type of government which they want to have as well as the extent of its authority

- identify powers of tribal governments and understand their limitations

  Where not expressly limited by U.S. law, American Indian tribal governments have the inherent powers to

  - determine form of government:
    - pass laws
    - interpret laws
    - administer justice
    - define powers and duties of officers
    - determine whether acts done in the name of the government are authoritative
    - define manner in which officers are selected or removed

- define conditions for membership in the nation:
  - establish standards for membership based on custom, historical practice, written law, treaties with U.S., agreements between Indian nations
  - standards related to abandonment of membership, adoption of non-Indians, adoption of persons holding citizenship in another Indian nation, and adoption of tribal members by non-tribal members (Indian Child Welfare Act of 1978)

- administer justice and enforce laws:
  - make laws governing the conduct of persons, both Indians and non-Indians within reservations
  - establish tribal police forces and courts to enforce laws and administer justice
  - exclude non-tribal members from the reservation
  - regulate hunting, fishing and gathering

- tax its members and non-Indians residing or doing business on Indian lands

- regulate domestic relations of its members

- make rules governing marriage, divorce, illegitimacy, adoption, guardianship and support of tribal members

- regulate property use -- licensing, zoning, inheritance

To surpass or supplement this standard -- understanding the powers of tribal government -- Indian students should also be able to:

- explain the history of limitations/extent imposed by the federal government
  - Indian Trade and Intercourse Act (1790)
  - Indian Removal Act of 1830
  - Treaties and amendments to treaties
  - General Allotment Act (1887)
  - Indian Reorganization Act (1934)
  - Public Law 280 (Termination)
  - Indian Civil Rights Act of 1968
  - Indian Self-Determination and Education Assistance Act (1973)
  - Indian Child Welfare Act of 1978
  - Indian Gaming Regulatory Act of 1988

- be familiar with U.S. Supreme Court cases of major significance to or impact on Indian tribes; e.g., *Cherokee Nation v. Georgia* (1831); *Worcester v. Georgia* (1832); *Ex Parte Crow Dog* (1883); *United States v. Kagama* (1886); *Lone Wolf v. Hitchcock* (1903); *Iron Crow v. Oglala Sioux Tribe* (1956); *William v. Lee* (1959); *McClanahan*

v. Arizona (1973); *Oliphant v. Schlie; United States v. Mazurie; Santa Rosa Band of Indians v. King County; Bryan v. Itasca County*

(3) **Organization of tribal governments.** *Indian students should be able to evaluate, take and defend positions on issues related to the structure of their tribal government.*

To achieve this standard, Indian students should be able to:

- explain the elements of the tribal constitution or other guiding principles which describe the operations of the tribal government
    - describe the structure of the tribal government -- executive, legislative, judiciary, etc.
    - explain the tribe's leader selection process, offices, term limits, etc.
    - identify the roles and responsibilities of tribal citizens
    - explain how tribal citizens can change their tribal constitution
    - evaluate policies related to monitoring and influencing the actions of tribal government and holding leaders accountable

(4) **Major responsibilities of tribal governments.** *Indian students should be able to identify the major responsibilities of their tribal governments and evaluate how well they are being fulfilled.*

To achieve this standard, Indian students should be able to

- understand the divisions and departments of their tribal government
- explain the services provided by their tribal government
- describe current issues occupying the attention of their tribal government
- analyze sources of revenue for tribal government, e.g., investments, economic enterprises, trust income, revenue bonds, tribal taxation of resources and businesses

7. In addition to the *roles and rights of citizens in American Democracy* as discussed under **Content Standards V, A-E** of the national standards, Indian students should also be able to distinguish:

F. Issues Concerning the Roles of American Indian Citizens

(1) **What is the citizenship status of American Indians?** *American Indian students should be able to evaluate, take, and defend positions on issues regarding their citizenship status.*

To achieve this standard, Indian students should be able to

- explain that they are legally recognized and fully functioning citizens of their tribes, the United States, and the state in which they live
- explain the history of U.S. citizenship for American Indians

- citizenship was conveyed to members of some tribes as a result of treaty agreements
- citizenship was conveyed to certain other Indians through various government acts; for example, successful Indian farmers were sometimes granted U.S. citizenship
- citizenship was conveyed to all Indian people with the Indian Citizenship Act of 1924; resulting from the fact that 14th Amendment did not apply to Indians because they were citizens of their own tribes
- despite passage of the Indian Citizenship Act, some state constitutions specifically denied voting rights to "non-taxed Indians;" for example, it was not until 1948 that the Arizona Supreme ruled that the disenfranchisement of Indians was unconstitutional; New Mexico did not follow Arizona's decision until 1962 -- these decisions were brought about through litigation by Indian people

- describe their tribe's policies on citizenship, e.g., who is eligible for membership by birth or adoption and policies regarding citizenship in more than one tribe

(2) **Rights of Indian citizens.** *Indian students should be able to evaluate, take, and defend positions on issues regarding their personal, political, and economic rights as citizens of the U.S. and of their tribes*

To achieve this standard, Indian students should be able to

- recognize that their tribal government's authority is derived from the concept of tribal sovereignty which is ultimately vested in *The People*, i.e., the tribal membership; thus, tribal members decide the type of government which they want to have as well as the extent of its authority

- as sovereign entities, however, tribal governments determine the scope and limit of tribal citizens' personal, political and economic rights.

  - tribal rights are determined by custom, historical practice, written law
  - sometimes the laws of a tribal government -- for instance, concerning the rights of individuals -- may conflict with laws of the U.S.

- explain that the Indian Civil Rights Act of 1968 was enacted to ensure that American Indians had all the same individual freedoms, procedural safeguards and basic civil liberties as other U.S. citizens both on and off the reservation

  - the Indian Civil Rights Act is sometimes controversial in Indian country because it is seen as an infringement on the sovereign rights of tribes to govern their citizens
  - in the landmark case, *Santa Clara vs. Martinez*, in which the U.S. Supreme Court ruled that the language of the Indian Civil Rights Act did not provide

for federal court review and enforcement in cases of alleged civil rights violations by Indian tribal governments
    - the Indian Civil Rights Act provides for a writ of habeas corpus which can be issued by the Federal District court

(3) **Participation in tribal civic life.** *Indian students should be able to describe the various forms of participation available to them as tribal citizens*

To achieve this standard, Indian students should be able to:

- explain the importance of participating in tribal cultural customs and events as a means of developing and expressing tribal citizenship and in perpetuating unique traditions which form a basis for tribal identity
- recognize other forms of social participation in their community -- volunteering, helping elders, caring for one's family, etc.
- describe forms of political involvement available to them in their tribal community
    - being informed about issues
    - discuss issues with others
    - attend tribal council meetings, rallies, debates and other public meetings
    - ask tribal politicians about their viewpoints on issues
    - know the tribal constitution
    - vote in tribal elections
    - write letters
    - speak at public meetings
    - serve in political office
    - learn about the procedures for referendum, initiative, recall and constitutional amendment
- understand that state and federal involvement are also important to Indian people
    - state and federal issues affect Indian people as citizens of both entities
    - some state and federal issues potentially affect the status and operations of tribal governments
- discuss the availability and functions of regional and national Indian organizations which work for the betterment of Indian life, such as the National Congress of American Indians, National Indian Education Association, regional Indian organizations (e.g., Small Tribes of Western Washington, United South and Eastern Tribes, All Indian Pueblo Council)